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ABSTRACT

Educational legislation (both state and federal) and court decisions relevant to student rights and responsibilities in Connecticut public schools are presented in this handbook. Chapters cover the right to suitable education free from discrimination; First Amendment constitutional rights of free speech, association, and religion; search and seizure; drugs, personal problems, and confidential communications; school services and personnel; school discipline; student records; the rights and responsibilities attained at age 18 and under; and examples of illegal student behavior. The task force that assembled this handbook intends to include policy recommendations in a separate document. (Author/DS)

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STUDENT RIGHTS & RESPONSIBILITIES in CONNECTICUT PUBLIC SCHOOLS

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Prepared by
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on Student Rights
and Responsibilities

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FOREWORD

HISTORY BOOKS OF THE FUTURE ARE SURE TO RECORD THAT AS THIS NATION approached its 200th year, it was called upon to reaffirm the belief that "We are all servants of the law to the end that it may be possible for us to be free." The Constitution of the United States, from which all of our laws flow, was put to the ultimate test and it was not found wanting.

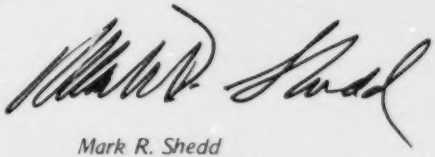
At this time of reaffirmation of the concept which is the foundation for our democratic way of life – the concept that no person is above the law, and no person is below it – it is entirely appropriate that the legal rights of the young should be a matter of pervasive concern. For most of this Nation's life, the rights of those yet to attain their majority were fuzzy at best. But those rights came into sharp focus in 1969, when the United States Supreme Court held that students do not shed their constitutional guarantee of freedom of expression at the schoolhouse gate. The Court said, in effect, that the individual rights and liberties embodied in the Constitution apply to *all* of our citizens, including the young.

The central principle which allows our society to function as the world's citadel of freedom is articulated in the 1st and 14th Amendments to the Constitution. That principle, a model to the world in its simplicity and clarity, assigns precious individual rights and freedoms and demands that they be exercised in a responsible manner. Preservation and strengthening of that principle is no less important in the schoolhouse than it is in society at large.

Within the educational setting, it is the consistent implementation of this concept which keeps freedom of the press from becoming libelous in the school newspaper, and which prevents free speech from becoming slanderous, or disruptive of the learning environment for others. Students, teachers and administrators must have a clear understanding of this principle, and seek always to achieve the balance which protects individual rights and permits operation of a sound and educationally stimulating school.

Because these concepts of student rights and responsibilities have come forcibly into our consciousness in recent years, and need to be understood by the entire educational community, this publication is an important document. But the concept of freedom under law, and of the exercise of individual rights in a thoroughly responsible way, must not be treated in isolation as a peculiar American preoccupation. It must, rather, be infused into many aspects of the curriculum until it is inculcated into the marrow of our beings. Such law-related education is one of the best guarantees we can offer for the preservation of the way of life which we now collectively enjoy.

Finally, it is important that this information/education be expanded. I look forward to the production of a companion document in simplified, summary form which will be of value to students on all grade levels, as well as a guidebook for teachers which will help them implement the concept of student rights and responsibilities in an even-handed and impartial way.



Mark R. Shedd
Commissioner of Education

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INTRODUCTION

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

— *U.S. Supreme Court in* Brown v. Board of Education

THE ABOVE QUOTATION FROM THE SUPREME COURT'S OPINION IN *BROWN v. BOARD OF Education* in 1954 emphasizes the importance of education in our democratic society. It also marks the beginning of an increased impact of law on public elementary and secondary education. Today all persons involved with public education should have a working knowledge of education law. This publication has been prepared to provide high school students,[1] parents, teachers, school administrators and the general public with a summary of the legal rights and responsibilities which public school students have in areas affecting their daily lives in school. It is intended to prepare a summary of this publication in simplified form for easy use by students at all levels.

Although many of these legal rights and responsibilities apply to non-public as well as public school students, the Task Force decided to limit this publication to public schools because non-public schools are governed by different legal principles in some areas. The Task Force also decided to limit each chapter in this publication to a presentation of law, and include policy recommendations in a separate document

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titled *Recommendations for Increasing Student Participation in Connecticut Schools.*

While the summaries in this publication hopefully will help increase general understanding of student rights and responsibilities, they are not a substitute for legal assistance, and persons with specific problems should seek competent legal advice. Legal assistance can be obtained from various members of the Connecticut Bar,[2] and other persons with legal training and experience. Some persons who qualify for help can secure free legal assistance from the Connecticut Civil Liberties Union,[3] or from one of the legal aid or legal services offices in Connecticut.[4]

Footnotes have been included for those persons who want references to more detailed information.[5] Since the law in many of these areas is subject to change, the State Department of Education intends to issue annual supplements to this publication.

RIGHTS

The student rights summarized in this publication are provided by law. Some of these rights, such as the right to a public education, are created by state statutes passed by the Connecticut legislature. Others, such as rights affecting student records, are created by federal statutes passed by the United States Congress, and are often implemented by regulations issued by the Department of Health, Education and Welfare (HEW). And many of these rights, indeed the most fundamental rights, such as the right to free speech, are guaranteed by the United States Constitution, established by the founding fathers of our country as a vital part of our constitutional democracy.

Often referred to as the Bill of Rights, the first ten amendments to the U.S. Constitution, along with later additions, at one time were thought not to apply to students. But now all doubt has been removed by the U.S. Supreme Court, which is the ultimate judge of what the U.S. Constitution means. In 1969 the U.S. Supreme Court, in deciding a case involving the right of students to wear armbands to protest the Vietnam war, held that students do not shed their constitutional rights to freedom of expression at the schoolhouse gate. In other words, students, like other citizens, have constitutional rights.

The U.S. Constitution guarantees to all citizens basic rights such as freedom of speech and religion, freedom from unreasonable searches and seizures, and equal protection and due process of law. The founding fathers held that these rights belonged to each individual. Realizing that majority rule should not control all aspects of an individual's life, the founding fathers established the Bill of Rights as basic protection for individuals and minority groups. These rights are so fundamental that no majority vote, whether it be

that of the U.S. Congress, the State of Connecticut, or the town in which you live, can take them away.[6] In the school setting, neither a school board nor a student government can by majority vote, or even a vote of 99% of all the students in the school, take away rights guaranteed by the U.S. Constitution.

RESPONSIBILITIES

This publication, like the Bill of Rights itself, at first might appear to emphasize rights more than responsibilities, but a closer look will show that all of these rights carry with them corresponding responsibilities. The Constitutional right to free expression in school newspapers and other literature, for example, is limited by a responsibility not to be obscene or libelous. The courts have made it clear that free expression is also limited to some extent by time, place and circumstance. The reason is obvious: other persons' rights are involved. One of the most basic responsibilities of all citizens, including students, is to exercise individual rights in a manner that does not interfere with the rights of other persons — whether those others be teachers, school administrators, students or other members of the community. Some kinds of expression can interfere with the rights of other students to acquire an education because they disrupt the educational process, and the U.S. Supreme Court has emphasized many times that a student's constitutional rights do not permit him/her to disrupt the educational process.

Teachers and administrators are required to maintain in schools an atmosphere conducive to education, and through the local board of education, are empowered to make reasonable rules and regulations to achieve this end. All students have a responsibility to keep informed of the rules and regulations governing their particular school. A student who breaks school rules or regulations, interferes with the rights of others, or disrupts the educational process, may lose his/her right to education. Although the school must follow certain due process requirements, a student can be suspended or expelled from regular classroom attendance if he/she breaks reasonable rules of the school.

Most schools try to establish rules and practices which do not prevent the effective exercise of constitutional rights, but sometimes it is difficult to determine whether these rights have been infringed, and then the courts must resolve the conflict. Striking the balance between the rights of different individuals, or between an individual and the state, is obviously difficult in many cases, but finding an equitable balance is essential to our democratic society. In general, the courts try to achieve a reasonable balance between the student's interests and the school's obligation to continue the educational process free of substantial disruption. This publication attempts to describe in more detail how the courts have drawn this balance to date.

With only a few possible exceptions,[7] the most basic of all responsibilities is to obey the law, and to seek to change that law by lawful means when it is no longer the accepted standard of the society it serves. Any person who breaks the law can be fined, imprisoned or otherwise penalized as provided by law. Examples of illegal behavior, such as assualt, coercion, and plagiarism, are summarized in Chapter IX.

CONNECTICUT LAW

By statute, the State of Connecticut provides persons with additional rights and responsibilities when they reach a certain age, usually age eighteen which is now the age of majority in Connecticut. The laws apply not only to students' life in school, but also to their daily life outside school as citizens in society. When a person reaches the age of eighteen, the law provides him or her with special rights of citizenship, such as the right to vote. These rights also carry with them corresponding responsibilities. The right to vote, for example, carries with it the responsibility to be informed as to issues and candidates so that each individual's vote is cast intelligently and our system of representative government can function effectively. Some of the specific rights and responsibilities which persons acquire upon reaching the age of majority are summarized in Chapter VIII.

RIGHT TO SUITABLE EDUCATION FREE FROM DISCRIMINATION

"There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation."

– Article 8, Section 1, Connecticut Constitution

CONNECTICUT STATUTORY LAW PROVIDES EACH STUDENT WITH A RIGHT TO AN EQUAL opportunity to receive a suitable program of educational experiences.[8] Each school district must finance at a reasonable level an educational program designed to achieve this end.[9] The State Board of Education has a responsibility to conduct inquiries and recommend necessary remedies whenever a school district has failed to make reasonable provision for equal opportunity for each student to receive a suitable educational program.[10]

Another Connecticut statute requires each town to furnish, by transportation or otherwise, school accommodations so that each student over five and under twenty-one years of age may attend public school.[11] This statute is enforceable by the parental right to a hearing before the local board of education. The parent can appeal the decision to the State Board of Education, but the State Board must uphold the local board's decision unless it is "arbitrary, capricious or unreasonable."[12]

Public schools must provide an opportunity for each student to average a minimum of 180 days of actual school sessions per year during thirteen years of elementary and secondary education.[13] Each school district must teach, by legally qualified teachers, reading; spelling; writing; English grammar;

geography; arithmetic; United States, state and local history; the duties of citizenship; hygiene; the effects of alcohol, nicotine or tobacco and of controlled drugs; physical and health education; and other subjects.[14]

All persons over seven and under sixteen years of age have a responsibility to attend school. Failure to attend school can result in arrest for habitual truancy, and even a finding of delinquency by the juvenile court which can lead to a substantial loss of personal freedom as well as temporary loss of many of the rights summarized in this publication. (See discussion of Illegal Behavior in Chapter IX.) Parents have a responsibility to cause their children to attend school regularly, and failure to do so can result in prosecution and fine.[15]

There are three exceptions to compulsory public school attendance. First, compulsory attendance is not required of persons over fourteen years of age while lawfully employed at labor at home or elsewhere, if they have completed a course of study equivalent to eight yearly grades and have secured a leaving certificate from the Secretary of the State Board of Education.[16] Second, even though the state can compel school attendance, it cannot compel public school attendance if the parent is able to show that the student is elsewhere receiving equivalent instruction in studies taught in the public schools.[17] The third exception is set forth in the next paragraph.

Connecticut considers education so important that even students who have been expelled for disciplinary reasons must be offered an alternative educational program during the period of their exclusion from their normal class assignments.[18] However, if for any reason the parent or guardian of the student does not want to have the student enrolled in the alternative educational program offered by the school, the parent can choose total exclusion from the school for the student for the expulsion period and not be subject to the usual penalties for not complying with the compulsory education law.[19]

Within the limits of existing expenditures in any one school year, any child attending a public school shall have an equal opportunity to participate in the activities, programs and courses of study offered in such public school.[20]

Equal educational opportunity to receive a suitable education includes the right of all pupils over five years of age to attend school without discrimination on account of race, color, sex, religion or national origin.[21] The right to an education free from these and other kinds of discrimination is discussed in more detail in the following sections.

HANDICAP AND SPECIAL EDUCATION

In 1972, federal courts in Pennsylvania and Washington D.C. held that children cannot be excluded from a publicly-supported education because of handicap, regardless of the severity of handicap.[22] Since that time many federal and state laws have been passed that are designed to assure equal educational opportunity for handicapped children.

One federal statute, the Rehabilitation Act of 1973,[23] prohibits discrimination on the basis of handicap. In August of 1975, the Department of Health, Education and Welfare issued a memorandum to local school district superintendents specifying practices which may constitute discrimination in the assignment of children to special education programs.[24] And the United States Congress passed the Education of All Handicapped Children Act in 1975.[25] This Act substantially increases the amount of federal money available for special education programs, and gives each handicapped child the right to a free appropriate public education based on an individualized education plan developed in consultation with the parents. The Act also calls for educating handicapped children with children who are not handicapped to the maximum extent appropriate. Many of the due process safeguards and other rights guaranteed by this Act are already provided by Connecticut law, as noted in the following paragraphs.

Connecticut statutory law requires each school district to provide special education for school age children requiring special education.[26] Children requiring special education include any exceptional child who is mentally retarded, physically handicapped, socially and emotionally maladjusted, neurologically impaired, or suffering an identifiable learning disability which impedes his rate of development, which disability is amenable to correction or which rate of development may be improved by special education.[27] Special education must also be provided to children under school age whose educational potential will be irreparably diminished without special education at an early age. [28]

Local boards of education are authorized, but not required, to provide special education for other exceptional children for whom special education is not required by law,[29] including children with extraordinary learning ability or outstanding talent in the creative arts, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of a special education program.[30]

No student may be exempted or excluded from school because of his or her handicap, even after a hearing, without the express approval of the secretary of the state board of education upon professional

advice.[31] If a board of education is unable to provide a suitable program for a particular student within the district, such board must either make arrangements for the student to attend classes in another school district or enroll the student in a state-run or private facility. If no appropriate program or facility exists within the state, the school district must place the student in an out-of-state program.[32] Special provisions are made for the placement and education of students who are perceptually handicapped, blind or deaf.[33]

To insure proper placement and programs for a child requiring special education, the parent may request a hearing and review before the local board of education, or, in lieu of this hearing, may request a state mediator.[34] If the hearing or mediation does not result in a satisfactory solution to the problem, the parent has a right to a hearing at the state level in order to review (1) the diagnosis of the child, (2) the evaluation of special education programs provided for the child, or (3) the exclusion or exemption from school privileges of their child.[35] The State Board of Education establishes a hearing board which has the authority to confirm, modify, or reject any diagnosis, evaluation, educational program prescribed, or exclusion or exemption from school privileges. The hearing board also has authority to prescribe alternate special educational programs for the child.[36] Decisions of the state hearing board can be appealed to the court of common pleas.

Copies of regulations and other information about special education programs and hearings can be obtained from the State Department of Education.[37]

RACE, NATIONAL ORIGIN, AND BILINGUAL-BICULTURAL EDUCATION

The most significant case in education law is undoubtedly *Brown v. Board of Education*,[38] where the U.S. Supreme Court held that separate schools for black and white students are inherently unequal and violate the equal protection clause of the Fourteenth Amendment of the U.S. Constitution. Since that decision in 1954, many federal and state statutes have been enacted that prohibit discrimination in public education on the basis of race, color or national origin. One of them, Title VI of the Civil Rights Act of 1964, has been and continues to be the basis for many cases challenging racially discriminatory school practices.[39]

Connecticut law requires public schools to be open to all school-age persons without discrimination on account of race, color, or national origin.[40] In selecting textbooks for social studies, all Connecticut public schools must select and use textbooks which present the achievements and accomplishments of

individuals and groups from all ethnic and racial backgrounds.[41]

Connecticut law also provides for a procedure to correct racial imbalance within a school district.[42] "Racial imbalance" is defined as a condition wherein the proportion of pupils of racial minorities in all of the grades of a public school of the secondary level or below taken together substantially exceeds or falls substantially short of the proportion of such public school pupils in all of the same grades of the school district in which said school is situated taken together. [43] "Pupils of racial minorities" is defined to include those whose racial ancestry is Negro, Puerto Rican, Mexican American and American Indian.[44]

Connecticut recognizes that students who are not proficient in the English language have special educational needs.[45] While bilingual-bicultural education is not mandated, local boards of education are authorized to develop bilingual-bicultural programs whose primary purpose is to increase the pupil's ability to function in an English-speaking society.[46] Such programs may also have the purpose of imparting a knowledge of the history and culture associated with the student's language.[47] Each local board, with the aid of the State Board of Education, is required to design the procedures and acquire the training materials and equipment that such local board deems necessary to meet the special educational needs of children of limited English speaking ability.[48]

Bilingual education may be required in some schools. In *Lau v. Nichols*, the U.S. Supreme Court held that providing instruction only in English to a large group of non-English speaking children violates Title VI of the Civil Rights Act of 1964. The Department of Health, Education, and Welfare (HEW) has issued guidelines based on this case for all school districts, setting criteria to determine which school districts must provide bilingual education and what kind of educational programs should be provided.[50]

SEX DISCRIMINATION

A Connecticut statute passed in 1975 requires public schools to be open to all school-age persons without discrimination on account of sex.[51] Title IX of the Education Amendments of 1972,[52] passed by the United States Congress, prohibits discrimination in federally-assisted education programs against students and employees on the basis of sex. Almost all public schools in the country receive federal financial assistance, and thus are covered by Title IX.

The regulations [53] issued by the Department of Health, Education and Welfare (HEW) to implement Title IX are specific and comprehensive. Effective as of July 21, 1975, the regulations require that all courses must be available on a co-educational basis. The regulations cover all related activities, including

health, physical education, industrial, business, vocational, technical, home economics, music and adult education courses.

Schools may not require or suggest that a student take a particular course based upon traditional sex classifications. Courses such as industrial arts, home economics, physical education and health must be open equally to males and females. Once organized, a physical education class may be separated by sex for contact sports or on the basis of objective competitive skills grouping. Facilities such as locker rooms, showers and toilets may also be separated by sex, but must be comparable. Males and females may be separated for that portion of a sex education class which deals exclusively with human sexuality.

A section on athletic participation permits separate teams for competitive skill and contact sports. In competitive, non-contact sports, however, one sex must be permitted access to the team of another sex if no other team is available.

All materials which are used to test, evaluate and counsel students must be sexually non-biased. Unless different testing materials are required to eliminate sex bias, the same materials must be used for both males and females. Whenever testing and counseling results in disproportionate members of one sex being enrolled in a particular course or curriculum, schools must investigate to make sure that the differences are not the result of the discriminatory use of tests or counseling.[54]

In serving as a conduit for scholarships, school districts may offer awards which are available only to members of one sex, but must assure that, overall, there is equal aid opportunity for members of both sexes. Further, not only may schools who hire students not have discriminatory employment practices but they also must refuse to aid any agency, organization or person who offers employment on a discriminatory basis.

Rules for appearance must be uniform. Discrimination on account of pregnancy or marital or parental status is barred.

Each school district must establish a grievance procedure which will provide a fast and equitable resolution for any complaints of Title IX violations. Such procedure must be published and students informed of such publication. All complaints are to be filed with a single school district employee who shall be responsible for investigating all complaints and for coordinating all efforts to comply with Title IX regulations.

ADULT EDUCATION

Each school district is required, unless exempted by the state board of education,[55] to provide a program of adult classes either by itself or in cooperation with another school district. Instruction must be provided in (1) Americanization and United States citizenship; (2) in any subject which the state board of education defines as a course usually provided by the elementary and secondary schools of Connecticut; and (3) in any other subject not primarily recreational, upon written petition by at least twenty persons who are sixteen years of age or over and who are competent to pursue such studies.[56]

VOCATIONAL EDUCATION

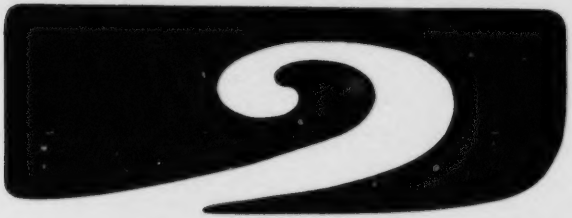
The Federal Education Amendments of 1974 provide: "Each State and local educational agency should carry out a program of career education which provides every child the widest variety of career education options which are designed to prepare each child for maximum employment and participation in our society according to his or her ability."

Although there is no Connecticut statute requiring local and regional school districts to provide vocational education, they are authorized to operate and receive state funding for occupational training courses, early exploration and guidance programs, and other vocational education programs.[57] When such programs are established, they must be operated on a non-discriminatory basis.

A local or regional school district may also cooperate with employers to offer accredited high school courses on the employers' business premises. Vocational training courses may also be offered on the business premises if approved by the State Board of Education.[58]

Each local or regional board of education is required to provide the reasonable and necessary transportation of any student under twenty-one years of age who resides in such district and who attends a state or state-approved vocational school within such district as a regular all-day student or as a high school cooperative student. Districts which do not maintain vocational agricultural training approved by the state board of education must designate a school having such a program and pay the tuition and reasonable and necessary cost of transportation for any person who has completed eighth grade and is under twenty-one years of age.[59]

There are not enough vocational-technical schools to admit every student applicant, but, as with other public school programs, opportunity to participate in vocational-technical school programs and activities must be available on equal terms to all students without regard to race, color, national origin, religion, sex, or handicap.[60]



FIRST AMENDMENT RIGHTS TO FREE EXPRESSION, ASSOCIATION, AND RELIGION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

– Amendment I, U.S. Constitution

STUDENT SPEECH

THE FIRST AMENDMENT TO THE CONSTITUTION GUARANTEES THE RIGHT OF FREEDOM of speech to all Americans, including students. However, the constitutional guarantee does not include license to disrupt the educational process, to coerce others to participate in a particular mode of expression, or to violate the rights of those who disagree with a given point of view.

Student speech may be subject to disciplinary action by school officials if such speech is slanderous; i.e., spoken maliciously or without regard to the truth of the assertion; clearly and immediately incites others to damage property or physically harms others; or materially and substantially interferes with the normal operation of the school.

Regulations aimed at maintenance of order and discipline are necessary to achieve and maintain an environment conducive to learning. However, such restrictions must be reasonable. While a definition of reasonableness will vary from situation to situation, a basic test of reasonableness relates to two issues: if the restricted acts are likely to substantially disrupt class work or if the circumscribed activity threatens invasion of the rights of others.[61]

If the regulations are essential to maintaining order and discipline they will be held to be reasonable. Thus it is not a violation of first amendment rights to forbid unnecessary discussion in the classroom or prohibit the exchange of conversation between students during class.[62]

While the threshold of disturbance which may justify the intervention of school authorities is relatively low, schools have an obligation to develop regulations which specify prohibited activities. Authorities must also specify procedures that are designed to obviate the dangers of a censorship system. These standards must be framed so that they are not susceptible to arbitrary, erratic, or unfair administration.[63]

SYMBOLIC SPEECH – BUTTONS, ARMBANDS, etc.

The United States Supreme Court has upheld the right of students to wear or display buttons, armbands, flags, decals, or other badges of symbolic expression, where the manner of expression does not materially intrude upon the orderly process of the school or the rights of others, *Tinker v. Des Moines Independent School District.*[64] In the *Tinker* case, the Supreme Court found that the wearing of black armbands to express opposition to American involvement in Vietnam did not involve actual or threatened disorder or disruption of the work of the school or substantial interference with school discipline. The Court stated: "In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint."[65]

In a number of cases since the *Tinker* decision, various courts have addressed themselves to the question of whether or not particular instances of symbolic expression intruded upon the orderly process of the school or the rights of others. For example, a court has ruled that the wearing of armbands could not be restricted merely because the possibility of disruption existed.[66]

Courts have upheld restrictions on symbolic expression where evidence established that actual disruption or clear danger of disruption existed. For example, a court ruled against the wearing of buttons where evidence established that the ban was necessary to preserve discipline in a racially tense high school.[67]

Still another court affirmed suspensions of students for wearing black berets where the beret was worn as a symbol of the power to disrupt and there was evidence of actual disruption.[68]

Buttons, armbands and other badges of symbolic expression must not contain material which is obscene or libelous.

PERSONAL APPEARANCE

A board of education may not impose limitations on dress in which fashion or taste is the sole consideration even if a majority of students have approved a school dress code.[69] An individual's choice of clothing or grooming styles has been held to fall within his/her right of privacy, as a form of self-expression in one's personal appearance.[70]

Because a right of privacy is involved, any restrictions on this right must clearly define the standards to be followed. These must be reasonably designed to avoid substantial disruption of the educational process, or to protect the health and safety of students or school personnel. A school must develop adequate guidelines to prevent arbitrary enforcement of regulations.[71]

SPEAKERS AND PROGRAMS

Students and student organizations should be free within reasonable constraints to invite and hear speakers of their choosing. If a school allows some outside speakers to use school facilities, it may not deny other similar speakers the use of these facilities merely because such speakers are deemed controversial or undesirable by school officials.[72]

Although in the interests of sound education students should hear both sides of an issue, the school cannot require them to hear both sides of an issue as a condition for use of school facilities.[73]

School authorities may regulate the times and locations of speeches and assemblies, and may require advance notice in order to avoid scheduling conflicts and insure proper protection of the school community.

FREEDOM OF PRESS & LITERATURE

Freedom of the press is guaranteed by the First Amendment to the U.S. Constitution and by section 3, Article First of the Connecticut Constitution. Obscenity however, is not constitutionally protected,[74] and is prohibited under Connecticut law.[75] Likewise, libel is not protected and gives rise to a cause of action under which the injured party may collect damages.[76]

Since school officials have an obligation to maintain an atmosphere conducive to the educational process, they may regulate the time, place and manner of distributing written materials, as well as totally prevent distribution of items which clearly will cause a material and substantial disruption of the educational process.[77] School administrators, establishing and enforcing regulations regarding student publications, will have the burden of proving that they have considered the inhibitive effect of these regulations and have determined they are nonetheless necessary. Administrators will also have to show that students have been adequately informed of all such regulations.

Policies regulating the time, place and manner of distributing publications interfere with freedom of the press far less than do those dealing with a review of the contents of those publications prior to distribution. It is in the area of prior review that regulations must be most specific and must also contain adequate procedural safeguards.[78] The courts have held that such policies must: 1) So describe the type of matter which is prohibited that a person of reasonable intelligence will know what is and what is not permissible; 2) Define the term "distribution" as it applies to various types of materials; 3) Provide for the prompt approval or disapproval of such materials by school officials; 4) Provide a specific remedy in the event school officials fail to act quickly in their review of the material; and 5) Provide an effective and rapid appeals procedure.[79]

Except when an outside organization is using students to espouse and solicit funds,[80] school officials can not use prior review to prevent dissemination of unpopular or controversial ideas.[81] Rather, such review should be used to reinforce the rules of responsible journalism. Such a policy would prevent distribution of material only when there is a clear and present danger that such materials will substantially and materially disrupt the educational process or when such material is libelous or obscene.[82]

In determining whether material is obscene, courts have used the following criteria: 1) Whether the average person, applying contemporary community standards would find the work, taken as a whole, appeals to prurient interests; 2) Whether the work depicts and describes, in a patently offensive way, sexual conduct; 3) Whether the work, taken as a whole, lacks serious literary, political, artistic or scientific value; and 4) How such student work compares to other books and publications currently found in the school system, including the school library.[83]

RELIGION

While the state may compel school attendance it may not compel public school attendance for those who find the equivalent education elsewhere.[84]

The state may not either prefer or aid any religion or prohibit any theory being taught just because it may be deemed antagonistic to principles or prohibitions of any one particular sect.[85]

The board of education of each town shall provide all students and teachers who wish it an opportunity for silent meditation at the start of the school day.[86]

PATRIOTIC CEREMONIES

Students may decline to recite the Pledge of Allegiance and may refrain from saluting the flag.[87] Students who choose to refrain from such participation have the responsibility to respect the rights and interests of classmates who do wish to participate in a meaningful ceremony. A student who chooses not to participate may remain seated while his classmates recite the pledge; the student is not required to stand during that ceremony.[88]

EXTRACURRICULAR ACTIVITIES AND CLUBS

Most schools require student organizations to register with the school in order to obtain available school funds and the use of school facilities. The school must register any group organized for a purpose not prohibited by law, if the group submits a list of members designated as contacts, its constitution and bylaws, and the constitution and bylaws of any off-campus organization with which it is affiliated.[89] The school may not require a student group to submit a membership list as a requirement for becoming or remaining registered.[90]

Before a decision is reached to ban, discontinue, or discipline a student group, that group should be provided a due process hearing. Interfering with school discipline, failing to abide by the terms under which the group was approved, and presenting a clear threat to the health or safety of members of the school community are valid reasons for disciplinary action.[91]

Affiliation with a national organization, or an objectionable philosophy, are not grounds to deny recognition to a school group. Advocacy directed to "inciting or producing imminent lawless action and . . . likely to incite or produce such action" is sufficient reason to deny recognition, but the burden of proof is on the school officials.[92]

Student organizations can not restrict membership on the basis of race, sex, national origin, or any other arbitrary criteria. Within the limits of existing expenditures in any one school year, any child attending public school shall have an equal opportunity to participate in activities, programs and courses of study offered in that public school.[93] Under new federal regulations all school athletic events must be run on a sexually non-discriminatory basis.[94]

SEARCH AND SEIZURE

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

– Amendment IV, U.S. Constitution

THE FOURTH AMENDMENT ESTABLISHES THE RIGHT OF CITIZENS AGAINST UNREASONable searches and seizures. Until recently, however, the Fourth Amendment's prohibition against unreasonable searches and seizures has generally been thought not to apply to school searches. Many courts reasoned that school officials are not the type of government officials restrained by the Fourth Amendment because they act *in loco parentis* (in the place of the parent).[95] Therefore the Fourth Amendment's usual requirement of probable cause and a search warrent have been held unnecessary for school searches, and evidence seized during these searches has been held admissible against the student in school disciplinary hearings and in criminal or juvenile court proceedings.[96]

In recent years, many courts have begun to recognize that the Fourth Amendment applies to searches and seizures by school officials.[97] Even in these cases, however, the courts have usually held that the special circumstances of the school environment justify less stringent search limitations on school officials

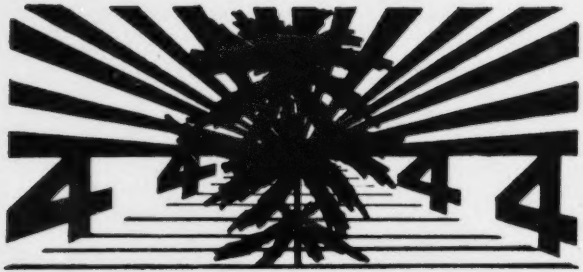
than on policemen.[98] Most of these cases, for example, have upheld warrantless searches by school officials if they had "reasonable suspicion" for the search (a less stringent standard than "probable cause").[99]

The extent of a student's protection against search and seizure usually depends upon (1) whether a school official or a police officer made the search,[100] and (2) whether the search is of one's person or a place such as a locker.

Although it is clear that "the fourth amendment protects people, not places,"[101] the nature of the place may determine whether the person had a reasonable expectation of privacy in the place searched. Thus courts have upheld warrantless searches of lockers by school officials where it was known that school officials had a master key and reasonable grounds existed for the search.[102] And an authorized and voluntary consent to the search by the student will usually validate a search that would otherwise be illegal.[103]

Because of the greater intrusion into the student's privacy, even those courts that have found that a student has no reasonable expectation of privacy in a school locker have usually provided at least minimum safeguards where a student's clothing or body has been searched.[104]

It should be emphasized that the U.S. Supreme Court has not yet decided a case directly involving the application of the Fourth Amendment to public school students. There are only a few federal court decisions.[105] No Connecticut case has been found resolving these issues. This summary is based on decisions by other state courts which are not binding on Connecticut courts. Therefore, until federal or Connecticut law is clarified, students should *not* assume that Connecticut courts will follow those states which recognize some Fourth Amendment protection against search and seizure by school officials.



DRUGS, ALCOHOL, PERSONAL PROBLEMS AND CONFIDENTIAL COMMUNICATIONS

ALL STUDENTS MUST BE EXPOSED TO INFORMATION CONCERNING THE EFFECTS OF alcohol, nicotine or tobacco, and drugs on the human body.[106] The law forbids the unauthorized possession, distribution, or sale of controlled drugs.[107] Students under eighteen years of age may receive public alcoholism treatment without parental consent.[108]

The U.S. Supreme Court has ruled that the right to privacy includes a female's right, within certain limitations, to decide to have an abortion,[109] and this right cannot be conditioned upon the female receiving the consent of her spouse (if married), parents or guardians, even if she is an unmarried minor.[110]

It is the public policy of the State of Connecticut to encourage students and non-students to seek treatment of problems representing public health hazards. Therefore Connecticut law creates a special privilege for communications concerning drugs or alcohol between a student and a professional employee of the school. The communication must be made privately and with the intent that it be confidential. This privilege extends to oral communications concerning alcohol and drug abuse. It does not extend to physical

evidence that a crime has been or is being committed by that student. The school employee must turn such physical evidence over to authorities, but the name of the student who entrusted this evidence to the professional employee need not be disclosed. The school employee cannot be prosecuted for his or her failure to disclose the name of the student.[111]

This law was designed to encourage communication about some problems between students and teachers, administrative officers, and other professional school employees without fear of automatic disclosure to authorities or parents. In this respect the law is comparable to the traditional confidential relationship between a lawyer and client or a doctor and patient. There is one important difference, however, because the professional school employee has no restrictions about communicating this information to others; he/she is only protected from liability if he/she chooses not to communicate such information. In other words, the school employee has discretion as to whether to relate the information to others.

A student may seek treatment on a confidential basis without parental consent, for venereal disease or drug dependence.[112] Not all communications regarding personal problems, however, are protected by Connecticut law. The Family Educational Rights and Privacy Act of 1974, summarized in Chapter VII below, provides some further protection for confidential communications made to school personnel.

SERVICES AND PERSONNEL

BOARDS OF EDUCATION MAY APPOINT MEDICAL DOCTORS AS ADVISORS TO LOCAL schools to aid in the improvement of student health programs.[113] Students must be examined by a private physician or by the school medical advisor on a periodic basis.[114] While records of medical or psychological examinations made under supervision of the board of education are not open to public inspection, parents or guardians of students are entitled to notice of any disease or defect found by the school medical advisor.[115]

Any diagnosis or treatment of venereal disease is privileged information.[116] Schools may appoint nurses to care for health needs of students.[117]

Boards of education must provide transportation for pupils to and from school whenever it is reasonable and desirable.[118] As discussed in Chapter I, transportation must also be provided to vocational education programs.

SCHOOL DISCIPLINE

SCHOOL OFFICIALS ARE REQUIRED TO MAINTAIN IN SCHOOLS AN ATMOSPHERE conducive to education, [119] and courts uphold school rules and regulations designed to maintain order so long as they are not unreasonable or arbitrary, do not infringe upon constitutional rights, and are not vague. On July 8, 1975 the Governor signed a law passed by the Connecticut legislature titled "An Act Concerning Exclusion From School for Disciplinary Purposes," Public Act No. 75-609. Under this law, the board of education may authorize teachers to *remove* a student from class for a period up to ninety minutes and send him/her to a designated area when he/she "deliberately causes a serious disruption of the educational process within the classroom, provided no pupil shall be removed from class more than six times in any year nor more than twice in one week" unless given the kind of informal hearing described for suspensions below.

Under P.A. No. 75-609, the board of education may also authorize school officials to *suspend* or *expel* "any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or which conduct is violative of a publicized policy of such board." Each board of education is required by the new law to assure that all pupils within its jurisdiction are informed, at least annually, of the board policies governing student conduct. And each board of education is further required to provide an effective means of notifying within 24 hours the parents or guardian of any minor pupil who has been removed from class, suspended from school, or is being recommended for expulsion or disciplinary

transfer. Other provisions of the new law dealing with suspension and expulsion are described below.

SUSPENSION

P.A. No. 75-609 defines suspension as "an exclusion from school privileges for no more than ten consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed." The law states that "Unless an emergency exists, no pupil shall be suspended without an informal hearing before the building principal or his designee at which such student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation." A student may be suspended before a hearing if an emergency exists. "Emergency" is defined as "a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible."

These provisions for suspension in the new Connecticut law are based on a recent decision by the U.S. Supreme Court, *Goss v. Lopez*, [120] which holds that students must be given an informal hearing before suspension, even if only for one day. The required due process includes at least two elements: (1) the principal must give the student facing suspension effective oral or written notice of the charges against him/her, and (2) the student must be given an explanation of the evidence the authorities have and an opportunity to present his/her side of the story. In reaching its decision, the Supreme Court reasoned that at least this much due process is necessary in order to avoid unfair or mistaken findings of misconduct and arbitrary exclusion from school. Generally speaking, due process is the law's way of insuring that decisions are made in a fair way.

The new Connecticut law indicates that a more formal hearing may be held if the circumstances surrounding the incident so require. It also provides that "no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion," unless the student is granted the kind of formal hearing described below for expulsion. The Connecticut law further provides: "Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of his suspension."

EXPULSION

Expulsion is defined as an exclusion from school privileges for more than ten consecutive school days, but it can not extend beyond the end of the school year. These provisions regarding expulsion also apply to transfer to another school for disciplinary reasons. The law states that unless an emergency exists, "no pupil shall be expelled without a formal hearing held pursuant to sections 4-177 to 4-180, inclusive of the general statutes." If an emergency exists, as defined above, the hearing may be held after the student is excluded from school, but must be held as soon thereafter as possible.

Since expulsion is a longer and more serious kind of exclusion from school, the law provides a more careful hearing to make sure that the student has an ample opportunity to present his side of the story. The requirements of a hearing pursuant to sections 4-177 to 4-180 are set forth below. First of all, all parties must have reasonable notice. In the case of a minor, notice must also be given to the parents or guardian of the pupil.

Section 4-177

(b) The notice shall include: (1) A statement of the time, place, and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) The record in a contested case shall include: (1) All pleadings, motions, and intermediate rulings; (2) evidence received or considered; (3) questions and offers of proof, objections and rulings thereon; (4) any decision, opinion or report by the officer presiding at the hearing.

(f) Oral proceedings or any part thereof shall be transcribed on request of any party. The requesting

party shall pay accordingly, the cost of such transcript or part thereof.

(g) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Section 4-178 provides, in part, that oral and documentary evidence may be received, and a party may conduct cross examination. And Section 4-180 provides that a final decision against the student must be in writing or stated in the record. The student or his parents or guardians must be notified in person or by mail of any decision or order, and are entitled to a copy of the decision or order for themselves and their attorney.

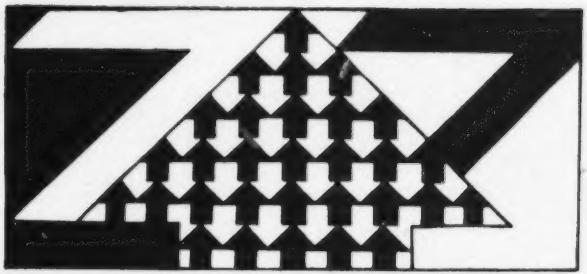
ALTERNATIVE EDUCATION FOR EXPELLED STUDENTS

The new Connecticut law also provides that "any pupil who is expelled shall be offered an alternative educational opportunity during the period of expulsion." However, if for any reason the parent or guardian of the student does not want to have him/her enrolled in an alternative program, the parent can choose total exclusion from school for his child for the expulsion period and not be subject to the usual penalties for not complying with the compulsory education law. [121]

CORPORAL PUNISHMENT

Although there is a general retreat from the concept, Connecticut courts have not repudiated the legal construct that a teacher stands *in loco parentis* (in the place of the parent) in respect to the student. A teacher is entitled to use reasonable means to compel a student to comply if a pupil disobeys his orders.[122] It is not a criminal offense for a teacher who is entrusted with the care and supervision of a minor to use reasonable physical force to the extent that he reasonably believes it is necessary to maintain discipline or to promote the welfare of such a minor person. [123] Some federal courts have held that students are entitled to due process prior to the administration of corporal punishment.[124]

STUDENT RECORDS



THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974,[125] KNOWN AS THE Buckley Amendment, calls for the withdrawal of federal funds from any educational agency or institution which (1) fails to provide parental access to *all* of a student's educational records (as defined in the Act), or (2) fails to prevent dissemination of student records to third parties without written parental permission (with some exceptions). It also provides that parents must be given a hearing to challenge the content of the education records.

Under the Act, schools cannot release files on students, except in specified situations – to other educational agencies with a legitimate educational function; to officials of other schools when a student is transferring; to certain federal agencies and to agencies in connection with a student's request for financial aid, or when the parents authorize the release, or the information has been lawfully subpoenaed. Persons desiring access to the files must sign a written form indicating the reasons why access is desired, for purposes of informing parents of such requests. Upon attaining age 18, a student may exercise the rights granted to parents under this law.

The Act excludes the following from the definition of "education records": (1) records of personnel which are in the sole possession of the maker and not made available to any other person; (2) records kept by the personnel of law enforcement units who do not have access to education records, when used strictly for law enforcement purposes, segregated from education records, and not made available to any-

one other than law enforcement officials of the same jurisdiction; (3) records solely about employees in their employee capacity; (4) post-secondary students or students over 18, medical, psychological, or other professional records used strictly for treatment and not available to anyone not involved in such treatment. All other records directly concerning a student and maintained in any form are "education records." The Act applies to the records of past students.[126]

The law provides that no records may be released to anyone without written specific parental consent or lawfully issued subpoena or judicial order, except (1) to other local school officials with legitimate educational interest (as determined by the grantee educational agency); (2) to officials of other schools in which the student seeks enrollment; (3) to the Comptroller General, the Secretary of HEW, and administrative heads of education agencies and state educational authorities, under certain conditions where necessary to meet federal legal requirements or audits and evaluations; (4) in connection with a student's application for or receipt of financial aid; (5) to state and local officials where specifically required by a state statute adopted prior to November 19, 1974; (6) to organizations conducting studies for educational agencies or institutions concerning predictive testing, provided that such data is not personally identifiable by persons other than representatives of the organization and is later destroyed; (7) to accrediting organizations where necessary; (8) to parents of a dependent student (in order to meet colleges' objections for students over 18); and (9) when necessary in an emergency to protect health or safety.

The statute also exempts certain "public directory information" from the requirement that parents consent to release. Parents must, however, be given notice and opportunity to inform the school that such information should not be released without prior parental consent.

Release of records to any person is conditioned upon his or her agreement not to divulge such information to a third party without written parental consent and, except for local school employees, upon an entry of such access in the student's records.

Parents are entitled to a hearing to challenge the content of records and to correct or delete any "inaccurate, misleading, or otherwise inappropriate data." They may also insert a written statement concerning the records into their child's files.

Parents must be informed of the rights accorded them by the act.

All rights granted to parents accrue to the student alone if he or she is eighteen or older or is attending a post-secondary institution, except that the parents of such a student may not be denied access to the records as third parties as long as the student is a dependent.

The Secretary of HEW is responsible for the enforcement of the regulations and for the establishment of an investigative office and review board to hear and decide complaints.

For more detailed information, see the final regulations[127] issued by the Department of Health, Education and Welfare (HEW) on June 17, 1976, effective as of that date. Interested persons may also want to read the revised guidelines on pupil records, issued by the Connecticut State Department of Education.

THE AGE OF MAJORITY

THE AGE OF MAJORITY IN CONNECTICUT IS EIGHTEEN. THIS IS WHEN THE LEGAL system recognizes that an individual is entitled to the management of his own affairs with all the rights and responsibilities such management entails. Before the age of majority an individual is given protection from the acts of others as well as protection against his or her own acts. At eighteen the state withdraws the paternalistic protection.

With the age of majority comes the end of protection against a person's own mistakes or errors of judgment. At eighteen a person is legally accountable for contracts entered into and injuries he or she causes. A Connecticut law even requires an adult son or daughter, who is financially able, to support an indigent parent.[128] Thus the phrase "rights entail responsibilities" is more than mere rhetoric.

While an individual on reaching the age of eighteen has all the rights and responsibilities of an adult, the law grants certain rights and imposes certain responsibilities on those below eighteen.

Certain legal rights and obligations are not completely predicated on chronological age. In those areas the critical element is whether the person is emancipated or not. When the term emancipation is used it refers to the recognition of the parent, by word or act, of the minor person's right to dispose of his or her own services and monies as the minor person sees fit.[129]

The following table lists many other rights and responsibilities achieved at age eighteen or under.

TABLE OF RIGHTS AND RESPONSIBILITIES ATTAINED AT AGE EIGHTEEN AND UNDER

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
Citizenship		
May vote	*18*	*9-12*
Must register for draft	*18*	
May enlist in armed forces with parents' consent	*17*	
May enlist in armed forces without parents' consent	*18*	
May be a juror	*18*	*51-217*
Parent-Child Relationships		
Parent must accompany to court when charged with offense.	*up to 18*	*54-119*
Duty of parents to support child	*up to 18*	*17-320* *53-304* *17-62a*
Person liable for own malicious torts (a private wrong or injury to other person or property)	*18 or when emancipated*	*52-572* *See page 30*
Father and mother cease to be joint guardians	*18*	*45-43*
Right to adopt	*18*	*45-67*
Domicile ceases to be the same as that of parents	*at 18 or when emancipated*	*See page 30*
Right to choose guardian	*14*	*45-46*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
Education		
Right to public education	*5-16*	*10-15* *See also page 5*
Parent must send child to public school or provide alternative equivalent education	*7-16*	*10-184* *See also page 6*
Right of access to school records without parental approval	*18*	*10-15b* *See also page 27*
Right to special education for physically or mentally handicapped	*Pre-School through graduation from high school or twenty-one whichever first, when need is established.*	*10-76d* *See also page 7*
Right to petition for adult education classes	*16*	*10-69*
Do not need certificate to leave school and work	*16*	*10-189*
Marriage		
Marriage license will be issued without parents' consent	*18 both parties*	*46-59*
Minimum age for license with parental consent	*16*	*46-5f*
If one party below 18 parental consent for that party required		*46-59*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
Judge of probate court may allow marriage	*under 16*	*46-5f*
May prosecute or defend in own name in actions for dissolution of a marriage, annulment or legal separation	*Any married minor*	*46-34*

The Minor and The State

Eligible for public assistance under AFDC.	*Up to 18 or 21 if attending full time, secondary school, technical school, college or state accredited job training program*	
Confidential oral communications between a student and school personnel concerning drugs or alcohol privileged.	*No age Student Status*	*10-154a*
Duty of doctors, school personnel, social workers etc. to report evidence of child abuse	*Anyone under 18 covered*	*17-38a*
Right to examine original copy of birth certificate without parent or guardian present	*18*	*7-51*
Right of adopted child to certified copy of birth certificate	*18*	*7-53*
Must list personal property for tax purposes	*No age*	*12-42*
Female's right to abortion without consent of parents or spouse	*May be minor*	*See Footnotes 109 and 110*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
May contract for life, health and accident insurance and exercise all rights of person of full legal age	*15*	*38-157*
Eligible for jury service	*18*	*51-217*
May write valid will	*18*	*45-160*
May become Notary Public	*18*	*3-91*
May be administrator or executor of an estate	*18*	
May change name	*No age specified in statute*	*52-11*
Employment		
Night hours of employment limited	*Until 18*	*31-14*
May work in Agriculture	*14*	*22-13*
Limit on hours and days per week in Agriculture	*14-15*	*22-13*
Special regulations pertaining to hours cover employment in following occupations for those under 18 - public restaurant, cafe, dining room, barber shop, hairdresser, manicuring establishment, amusement or recreation establishment, bowling alley, shoeshine establishment, billiard or pool room or photograph gallery —	*18*	*31-18*
May work in occupation hazardous to health	*18, except age 16 for approved programs*	*31-23, as amended by P.A. 76-436*
State may set special minimum wage for employment in government and agriculture	*16-18*	*31-58a*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
State may make special provision for paying less than prevailing overtime wage rate	*16-18*	*31-60*
State may order extra compensation for injury under workmen's compensation	*Up to 18*	*31-310*
May exercise rights under workmen's compensation in own name	*18*	*31-318*
Need certificate showing completion of 8 yearly grades of education in order to leave school	*14-16*	*10-189*
Certificate of age required for work in manufacturing, mechanical, mercantile, theatrical industry, restaurant, public dining room, bowling alley, shoeshine establishment or barber shop	*16-18*	*10-193*
Limitations on total hours per week that may be worked in manufacturing or mechanical establishments	*Until 18*	*31-12*
Limitations on hours per day worked	*18*	*31-13*
May get license as jockey or jai alai player	*16*	*12-576*
May engage in professional boxing or wrestling exhibitions	*18*	*19-337*

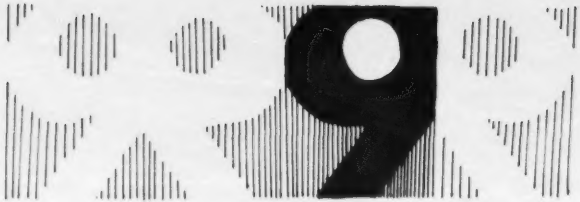
Criminal and Civil Courts

Authority of Juvenile Court	*16 and under*	*17-53*
Right to petition for erasure of police and court records	*Any action in Juvenile Court*	*17-72a*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
May play game of chance	*18*	*7-186a*
May buy or receive tobacco	*16*	*53-344*
May obtain alcoholic beverages	*18*	*30-88*
May obtain an identity card for use in proving age to obtain liquor	*18*	*30-88*
Must have license to hunt, trap or fish	*16*	*26-27*
May hunt with license hunter over 18	*12-16*	*26-38*
May pawn a pledge with a pawnbroker	*18*	*21-47*
May enter billiard or pool room unaccompanied by parent	*18*	*53-281*
Admission to professional boxing exhibition without parent	*18*	*19-339a*
– with parent	*14*	
License to fish, hunt or trap on state lands	*16*	*26-16*
Juvenile Court may remove from school and place on "vocational probation"	*14*	*17-68*
Child and parents must be given statement of legal rights or confession or statements can be used against declarant in juvenile court	*Any age*	*17-66d*
Eligible for capital punishment	*18*	*53a-46a*
Juvenile court may commit minor to institution or agency	*No age specified*	*17-62*
May be committed to community correctional center	*16*	*17-408*
May request public defender service	*May be minor*	
May be considered by courts to be youthful offenders	*No age specified*	*1-299*
	16-18	*54-76b*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
Society		
May open Savings & Loan Associations account and withdraw from it without parental consent	*Any age*	*36-178b*
May open and withdraw from credit union account	*Any age*	*36-200*
May buy Lottery tickets	*18*	*Commission on Special Revenue Reg. Sec. 12-561-13f*
May receive winnings of lottery	*Any age*	
Medicine		
Treatment for venereal disease without parental consent or notice to parents	*Any age*	*19-89a*
Apply for public alcoholism treatment without parents' consent	*Any age*	*17-155(t)* *See page 20*
Mentally ill person may apply for treatment without parents' consent	*16*	*17-206a*
May give consent for medical and dental services for his or her child	*Over 18 or under 18 if married or has borne child*	*19-142a*
Right to request and consent to treatment for drug dependence — if minor, no disclosure to parents or guardian	*Any age*	*19-496c*

LEGAL RIGHT OR RESPONSIBILITY	AT AGE:	CONNECTICUT GENERAL STATUTE
Personal liability of minor for cost of drug rehabilitation requested by minor	*Any minor*	*19-496f*
Motor Vehicles [130]		
Minimum age for auto license	*16 plus 30 days*	*14-36*
Adult consent required for license	*16 plus 30 days – 18*	
License without adult consent	*18*	
May operate motor boat over 5 h.p.	*16 plus 30 days*	*15-133b*
Right to apply for permit to operate a motorcycle with adult consent	*16 plus 30 days*	*14-40a*
– without adult consent	*18*	
Right to taxi license	*18*	
– chauffeur license	*18*	
Right to drive school bus	*18*	
– Non-school bus	*18*	
– Trucks over 9 tons	*18*	
– under 9 tons	*16 plus 30 days*	
– Snowmobile – if take it across public highway	*16 plus 30 days*	
Car registration will be approved without consent of adult	*18*	*14-14*
May rent motor vehicle without consent of parent	*18*	*14-153*



ILLEGAL BEHAVIOR

CRIMINAL OR ANTI-SOCIAL BEHAVIOR BY ANY PERSON, REGARDLESS OF AGE, can lead to court action and substantial loss of personal freedom as well as loss of many of the rights summarized in this publication. The table in this chapter includes examples of illegal behavior.

Persons under sixteen years of age at the time they are accused of an offense will have their cases handled by the Juvenile Court. Persons between the ages of sixteen and eighteen, at the time of the alleged offense are eligible for "Youthful Offender" treatment in the ordinary criminal courts (Circuit Court for lesser offenses or Superior Court for more serious offenses). Upon reaching age eighteen, persons are adults, and are treated as such.

Individuals, agencies, schools or town officials can bring charges of delinquency in Juvenile Court against persons under sixteen years of age. The Court can find such persons delinquent if they (1) violate any State or Federal law or City ordinance; (2) run away from home "without just cause;" (3) engage in indecent or immoral conduct; (4) are habitually absent from school or defy the school rules when in school; or (5) violate any order of the Juvenile Court.

As these categories are rather vague, Juvenile Court authorities have considerable discretion in handling complaints against juveniles.

For more detailed information about the rights and responsibilities of youth in our democratic society generally, see the *Bibliography of Law-Related Curriculum Materials* published by the American Bar Association. [131]

EXAMPLES OF ILLEGAL BEHAVIOR

1. *Assault* – The intentional inflicting of serious injury upon another person. 53a-59-61, Connecticut General Statutes (C.G.S.).
2. *Threatening* – By physical threat, the intentional placement or attempt to place another person in fear of imminent serious physical injury, regardless of actual physical contact. 53a-62, C.G.S.
3. *Possession* of Weapons or Other Dangerous Objects – The possession of a sling shot, air rifle, BB gun, blackjack, sand bag, metal or brass knuckles, or switchblade without a written permit issued and signed by the first selectman of a town or the mayor or chief of police of a borough. 53-206, C.G.S.
4. *Drugs* – Manufacture, distribution, selling, prescribing, transporting with intent to sell or dispense, possessing with intent to sell or dispense offering, giving, or administering to another person who is not drug-dependent one or more preparations, compounds, mixtures or substances containing an aggregate weight of one ounce or more of heroin, methadene or cocaine or a substance containing five milligrams or more of lysergic acid diethylamide (LSD) or any narcotic substance, hallucinogenic substance other than marihuana, amphetamine-type substance or one kilogram or more of a cannabis-type substance. Mandatory minimum sentence of five years. 19-480a, C.G.S.
5. *Larceny* – The wrongful taking, obtaining or withholding of property from an owner, with the intent to deprive said owner of such property or to appropriate the same for oneself or a third person. 53a-122-126, C.G.S.
6. *Robbery* – The use or the threat of the immediate use of physical force upon another for the purpose of committing a larceny (i.e., the wrongful taking of the property of another). 53a-133-136, C.G.S.
7. *Burglary* – Remaining in a building unlawfully with intent to commit a crime. 53a-101-103, C.G.S.
8. *Criminal Trespass* – With the knowledge that one is not licensed to do so, entering or remaining in a building or any other premises after an order to leave or not to enter personally transmitted by the owner or other authorized person. 53a-107-109, C.G.S.
9. *Arson* – The starting of a fire or causing of an explosion, with the intent to destroy or damage a building. 53a-111-113, C.G.S.
10. *Criminal Mischief* – When, having no reasonable ground to believe that one has a right to do so, one: (1) intentionally or recklessly (A) damages tangible property of another, or (B) tampers with tangible property of another and thereby causes such property to be placed in danger of damage; or (2) damages

tangible property of another by negligence involving the use of any potentially harmful or destructive force or substance, such as, but not limited to, fire, explosives, flood, avalanche, collapse of building, poison gas or radioactive material. 53a-115-117, C.G.S.

11. *Shoplifting* – The intentional taking of possession of any merchandise offered or exposed for sale by any store or other mercantile establishment with the intention of keeping such merchandise without paying for it. 53a-119(9), C.G.S.

12. *Riot* – Engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of causing public alarm. 53a-175, C.G.S.

13. *Rape* – A person compels another person to engage in sexual intercourse by the use of force against such other person or a third person or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to self or a third person. 53a-72-74, C.G.S.

14. *Prostitution* – A person engages or agrees to engage in sexual conduct with another person in return for a fee. Patronizing a prostitute is also illegal. 53a-82-83, C.G.S.

15. *Coercion* – Compelling or coercing a person to engage in conduct which he has a legal right to abstain from doing or to abstain from engaging in conduct in which he has a legal right to engage. 53a-192, C.G.S.

16. *Loitering In or About School Grounds* – Loitering or remaining in or about a school building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or any other license or privilege to be there. 53a-185, C.G.S.

17. *Academic Crimes* – No person shall prepare, offer to prepare, cause to be prepared, sell or offer for sale any term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under the name of a student other than the author of the term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment in fulfillment of the requirements for a degree, diploma, certificate or course of study at any university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state. 53-392b(9), C.G.S.

18. *Habitual truants* – Each city and town may adopt ordinances concerning habitual truants from school and children between the ages of seven and sixteen years wandering about its streets or public places,

having no lawful occupation and not attending school; and may make such ordinances respecting such children as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars, for any one breach thereof. The police in any town, city or borough and bailiffs, constables, sheriffs and deputy sheriffs in their respective precincts shall arrest all such children found anywhere beyond the proper control of their parents or guardians, during the usual school hours of the school terms, and may stop any child under sixteen years of age during such hours and ascertain whether he is a truant from school, and, if he is, shall send him to school. 10-200, C.G.S.

FOOTNOTES

1. The Task Force has not attempted to make this publication easily readable and understandable by elementary pupils for practical reasons, but the Constitutional principles and statutory laws usually apply to them as well as high school students. As noted in the Foreward, a summary of this publication in simplified form may be developed for easy use by students at all levels.

2. Many county and local bar associations have lawyer referral services. These associations are listed in local telephone directories. Information about the association in your area may be obtained from the central office of the Connecticut Bar Association, 15 Lewis Street, Hartford, Ct. (phone: 249-9141).

3. Like similar organizations in other states, the Connecticut Civil Liberties Union (CCLU) usually limits its assistance to a few important cases that have potential to protect civil liberties generally. Further information can be obtained from the CCLU, 57 Pratt Street, Hartford, Ct. 06103 (phone: 424-9216).

4. Legal aid and legal services programs usually try to provide assistance to all low-income persons who cannot afford a private attorney. Most programs have specified criteria to determine eligibility for free legal assistance. Further information about legal aid can be obtained from the Legal Aid Society of Hartford County, Inc., 525 Main Street, Hartford, Ct. 06103 (phone: 566-6360). In addition to legal aid programs, legal services programs in Connecticut include offices in Bridgeport (phone: 336-3851), Hartford (278-6350), Middletown (347-7237), New Britain (225-8678), New Haven (777-7601), Norwich (889-1365), Waterbury (756-8074), and Willimantic (456-1761).

5. The case citations in these footnotes are in standard legal form. For example, Crossen v. Fatsi, 309 F. Supp. 114 (D. Conn. 1970) means that the decision and reasoning of the United States District Court of Connecticut in this 1970 case is set forth at page 114 of volume 309 of the Federal Supplement. Decisions of the United States Circuit Courts of Appeals are set forth in the Federal Reporters cited as F. or F.2d. Decisions of the United States Supreme Court are cited as U.S. or S.Ct. Decisions of the Connecticut Supreme Court are cited as Conn. The Connecticut General Statutes are cited as C.G.S. These case reporters and statutes are available in most law libraries.

For more information about the law, see the **Bibliography of Law-Related Curriculum Materials** published by the Youth Education For Citizenship Committee of the American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637 (phone: 312-493-0533). Many organizations publish detailed summaries and analysis of recent cases, statutes and other developments in education law. See, for example, the publications of the National

Organization on Legal Problems of Education (NOLPE), 5401 S.W. Seventh Avenue, Topeka, Kansas 66606; and of the Center for Law and Education, Gutman Library, 6 Appian Way, Cambridge, MA 02138 (phone: 617-495-4666).

6. The Constitution itself can be changed by amendment. Article V of the Constitution provides that two thirds of both Houses of Congress or two thirds of the state legislatures can propose constitutional amendments, and such proposals become part of the Constitution when ratified by the legislatures of three fourths of the States. The Equal Rights Amendment (ERA) provides a current example of the process by which a proposed amendment to the Constitution is adopted or rejected.

7. Possible exceptions to the responsibility to obey the law involve the area of civil disobedience; an individual intentionally breaking a law he or she does not consider valid for moral, religious or other reasons. Persons deliberately breaking the law for these reasons usually argue that they are governed by conscience or some other higher authority. Well-known examples of civil disobedience include the actions of Mohandus Gandhi and Dr. Martin Luther King. Persons who break the law for these reasons must of course be prepared to pay the penalty (fine, imprisonment, etc.) prescribed by law.

8. Sec. 10-4a, C.G.S.

9. Sec. 10-4a, C.G.S. On December 26, 1974, the Superior Court of Hartford County ruled that the Connecticut school finance system violated the Connecticut Constitution. The Court held that "The duty of educating Connecticut children is upon the state, as a whole, and not upon the municipalities." Horton v. Meskill, 31 Conn. Supp. 377, 332 A.2d 813 (Super. Ct. 1974). The state has appealed to the Connecticut Supreme Court and a decision is expected sometime during the 1976-77 school year.

10. Sec. 10-4b, C.G.S.

11. Sec. 10-186, C.G.S. This requirement does not extend to students who are graduates of a high school or vocational school, or who have been legally excluded from school.

12. Sec. 10-186, C.G.S., as amended by P.A. No. 75-639.

13. Sec. 10-15, C.G.S.

14. Id.

15. Sec. 10-185, C.G.S.

16. Sec. 10-184, C.G.S.

17. Id.; Snyder v. Town of Newton, 147 Conn. 374 (1960).

18. Section 4(c) of Public Act No. 75-609.

19. **Id.** For a more detailed summary of Public Act No. 75-609, see Chapter VI of text

20. Sec. 10-15, C.G.S., as amended by Public Act No. 75-284.

21. **Id.**

22. Pennsylvania Association for Retarded Children v. Pennsylvania, 343 F. Supp. 279 (E.D. Pa. 1972) (consent agreement); Mills v. D.C. Board of Education, 348 F. Supp. 866 (D.C. Cir. 1972).

23. 29 U.S.C. sec. 794.

24. M. Gerry, "Identification of Discrimination in the Assignment of Children to Special Education," D.H.E.W., Washington, D.C., August 1975.

25. Public Law 94-142.

26. Sec. 10-76d(b), C.G.S.

27. Sec. 10-76a(e) (1), C.G.S.

28. Sec. 10-76d(b), C.G.S.

29. Sec. 10-76d(c), C.G.S.

30. Sec. 10-76a(e) (2), and Sec. 10-76d(c), C.G.S.

31. Sec. 10-76d, C.G.S.

32. Sec. 10-76a through Sec. 10-76g, C.G.S.

33. Secs. 10-94a, 10-245, and 10-315, C.G.S.

34. Public Act No. 75-438.

35. Sec. 10-76h, C.G.S.

36. Sec. 10-76h(e), C.G.S.

37. Contact the Bureau of Special Education, State Department of Education, Room 347, Box 2219, Hartford, Ct., 06115 (phone: 566-4383).

38. 347 U.S. 483 (1954).

39. Title VI, codified at 42 U.S.C. sec. 2000d–2000d-5, prohibits discrimination on the basis of race, color or national origin in programs benefitting from federal financial assistance.

40. Sec. 10-15, C.G.S., as amended by Public Act No. 75-284.

41. Sec. 10-18a, C.G.S.

42. Sec. 10-226, C.G.S.

43. Sec. 10-226b(b), C.G.S.

44. Sec. 10-226a(b), C.G.S.

45. Sec. 10-17b, C.G.S.

46. Secs. 10-17a through 10-17d, C.G.S.

47. Sec. 10-17b, C.G.S.

48. Id.

49. 414 U.S. 563 (1974).

50. See Memorandum issued by H.E.W. to Chief State School Officers and Local District Superintendents, Summer 1975, and clarifying Memorandum issued on April 8, 1976.

51. Sec. 10-15, C.G.S., as amended by Public Act No. 75-284.

52. 20 U.S.C. sec. 1681 (1974).

53. 40 Federal Register 24128 et seq. (June 4, 1975), effective July 21, 1975.

54. See also Berkelman v. San Francisco Unified School District, 501 F. 2d 1264 (9 Cir. 1974); Bray v. Lee, 337 F. Supp. 934 (D. Mass. 1972).

55. Sec. 10-72, C.G.S.

56. Sec. 10-69, C.G.S.

57. Sec. 10-266f, C.G.S.

58. Public Act No. 75-412; Public Act No. 75-16, amending Sec. 31-23, C.G.S.

59. Sec. 10-97, C.G.S.

60. For compilation of Federal and State laws relating to vocational education in Connecticut, see Appendices A and B of New Directions in Secondary Education, Final Report, Connecticut Master Plan for Vocational and Career Education (State Board of Education, April 1976).

61. Crossen v. Fatsi, 309 F. Supp. 114 (D. Conn. 1970); Eisner v. Stamford Board of Education, 314 F. Supp. 832 (D. Conn. 1970), modified, 440 F. 2d 803 (2 Cir. 1971).

62. Crossen, supra note 61.

63. Eisner, supra note 61.

64. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969). Some of the cases cited below as authority for other parts of this Chapter involve college rather than elementary or secondary students. The Tinker case provides the basic authority for recognizing that elementary and secondary students have First Amendment rights. One of the students was only eight years old, a second grader, and another was eleven years old, a fifth grader. The student's age may affect the extent of First Amendment rights. The Tinker case provides the basic analytic framework.

65. Id. at 509.

66. Butts v. Dallas Independent School District, 436 F.2d 728 (5 Cir. 1971).

67. Guzick v. Drebus, 431 F.2d 594 (6 Cir. 1970).

68. Hernandez v. School District No. 1 Denver, Colo., 315 F.Supp. 289 (D.Colo. 1970).

69. Arnold v. Carpenter, 459 F.2d 939 (7 Cir. 1972).

70. Crossen, supra note 61; Yoo v Moynihan, 28 Conn. Supp. 375 (Super. Ct. Hartford County, 1969).

71. Id.

72. Stacey v. Williams, 306 F.Supp. 963, 971; 312 F.Supp. 742 (N.D.Miss. 1970); Bonner-Lyons v. School Committee, 480 F.2d 442, 444 (1 Cir. 1973); Vail v. Board of Education of Portsmouth School District, 354 F.Supp. 592 (D.N.H. 1973), remanded for fuller relief, 502 F.2d 1159 (1 Cir. 1973).

73. Brooks v. Auburn University, 296 F.Supp. 188 (M.D.Ala. 1969), affirmed, 412 F.2d 1171 (5 Cir. 1969). Compare Dixon, infra note 91.

74. Miller v. State of California, 413 U.S. 15 (1973).

75. Secs. 53a-193 through 53a-210, C.G.S.

76. Sec. 52-237, C.G.S.

77. Eisner, supra note 61.

78. Id.

79. Baughman v. Freienmuth, 478 F.2d 1345 (4 Cir. 1973). See also Nitzberg v. Parks, 525 F.2d 378 (4 Cir. 1974); Jacobs v. Board of School Commissioners, 490 F.2d 601 (7 Cir. 1973), vacated as moot, 95 S.Ct. 848 (1975).

80. Katz v. McAulay, 438 F.2d 1058 (2 Cir. 1971).

81. Zucker v. Panitz, 299 F.Supp. 102 (S.D.N.Y. 1969).

82. Baughman, supra note 81.

83. Sullivan v. Houston Independent School District, 307 F.Supp. 1328 (S.D.Tex. 1969) (Sullivan I), supplementary injunction ordered, 333 F.Supp. 1149 (S.D. Tex. 1971) (Sullivan II), reversed 475 F.2d 1071 (5 Cir. 1973) (Sullivan I approved), cert denied 414 U.S. 1032 (1973). See also Koppell v. Levine, 347 F.Supp. 456 (E.D.N.Y. 1972). Compare Papish v. Board of Curators, 410 U.S. 667 (1973).

84. Snyder v. Newton, 174 Conn. 374 (1960).

85. Hopkins v. Hamden Board of Education, 29 Conn. Supp. 397 (1971)

86. Public Act No. 75-367.

87. West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943).

88. Goetz v. Ansell, 477 F.2d 636 (2 Cir. 1973).

89. NAACP v. Button, 371 U.S. 415 (1963).

90. NAACP v. Alabama, 367 U.S. 449 (1958).

91. Dixon v. Beresh, 361 F.Supp. 253 (E.D. Mich. 1973).

92. Healy v. James, 408 U.S. 169 (1972). See also Dixon, supra note 91.

93. Sec. 10-15, C.G.S., as amended by Public Act No. 75-284.

94. See supra note 53, and related text.

95. See, for example, In re Donaldson, 75 Cal. Rptr. 220 (1969); People v. Stewart, 313 N.Y.S.2d 253 (1970); Mercer v. State, 450 S.W.2d 715 (Tex. Ct. App. 1970). But compare Camera v. Municipal Court, 387 U.S. 523 (1967).

96. See, for example, Overton v. New York, 283 N.Y.S.2d. 22, vacated and remanded 393 U.S. 85 (1968), original judgment affirmed 301 N.Y.S.2d 479 (1969); State v. Stein, 203 Kan. 638 (1969), cert denied, 397 U.S. 947 (1970).

97. See, for example, State v. Young, 216 S.E. 2d 586 (Ga.1974); People v. D., 358 N.Y.S. 2d 403 (1974). But see Commonwealth v. Dingfelt, 227 Pa. Super. 380 (1974).

98. An exceptional case is State v. Mora, 307 So. 2d 317 (La. 1975) where the Supreme Court of Louisiana held that the school environment does not justify reduced Fourth Amendment protection. The U.S. Supreme Court vacated the judgment and remanded the case to the Louisiana Supreme Court to consider whether its decision was based upon federal or state constitutional grounds. 44 U.S.L.W. 3199 (10/7/75).

99. Compare the difference between the "reasonable suspicion" standard used in State v. Young and People v. D., supra note 97.

100. See, for example, People v. Bowers, 339 N.Y.S.2d 783 (1973) (security guard had status of policeman and therefore probable cause standard applied).

101. Katz v. United States, 389 U.S. 347, 351 (1967).

102. See, for example, Overton and Stein, supra note 96.

103. Id.

104. State v. Young and People v. D., supra note 97. See also In re G., 90 Cal. Rptr. 360 1970); In re G.C., 121 N.J. Super. 108 (1972).

105. See. for example, Potts v. Wright, 357 F. Supp. 215 (E.D.Pa. 1973); Smyth v. Lubbers, 398 F. Supp. 777 (W.D. Mich. 1975).

106. Sec. 10-19, C.G.S.

107. Secs. 19-480, 19-480a, 19-481, C.G.S.

108. Sec. 17-155t.

109. Roe v. Wade, 410 U.S. 113 (1973).

110. Planned Parenthood of Central Missouri v. Danforth, 44 U.S.L.W. 5197 (6/29/76); Bellotti v. Baird, 44 U.S.L.W. 5221 (6/29/76).

111. Sec. 10-154a, C.G.S.

112. Secs. 19-89a and 19-496c, C.G.S.

113. Sec. 10-205, C.G.S.

114. Secs. 10-206 and 10-207, C.G.S.

115. Secs. 10-209 and 10-210.

116. Sec. 19-89a, C.G.S.

117. Sec. 10-212, C.G.S.

118. Sec. 10-220, C.G.S.

119. Sec. 10-221, C.G.S.

120. 419 U.S. 565 (1975).

121. The compulsory education law is set forth at Section 10-184, C.G.S.

122. Andreoz v. Rubano, 145 Conn. 280 (1958); Calway v. Williamson, 130 Conn. 575 (1944).

123. Sec. 53a-18, C.G.S.

124. Baker v. Owen, 395 F.Supp. 294 (M.D.N.C. 1975)(3 Judge Ct.), affirmed, 96 S.Ct. 210 (1975). The United States Supreme Court has agreed to hear the following case involving a constitutional challenge to the policy and practice of corporal punishment in public schools, and a decision is expected sometime during the 1976-77 school year. Ingraham v. Wright, 525 F.2d 909 (5 Cir. 1976 (en banc.), cert granted, 44 U.S.L.W. 3670 (1976).

125. 20 U.S.C. sec. 1232g.

126. The exception for confidential letters and statements of recommendation placed in the education records prior to January 1, 1975 applies only to students in institutions of postsecondary education.

127. 41 Federal Register 24670 (6/17/76).

128. Sec. 17-320, C.G.S.

129. Wood v. Wood, 135 Conn. 280 (1948).

130. School districts have authority, in conjunction with local traffic authorities, to issue rules concerning the operation of motor vehicles on school grounds. Public Act No. 73-256, amending Secs. 14-219, 14-222, 14-225, and 14-227a, C.G.S.

131. See supra note 5.

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